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EXAMINER
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VAN HANDEL, MICHAEL P

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/18/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/028,574

Applicant(s)

SINGH, KENNETH SUGRIM

Examiner

Michael Van Handel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/08/2006 has been entered.

### ***Response to Amendment***

1. This action is responsive to an Amendment filed 11/08/2006. Claims **1-31** are pending. Claims **23-31** are new.

### ***Response to Arguments***

1. Applicant's arguments regarding claims **23-25, 27-30**, filed 11/08/2006, have been considered, but are moot in view of the new ground(s) of rejection.
2. Applicant's arguments filed 11/08/2006 with regard to claims **1, 8, 15, 22, 26, and 31**, have been fully considered, but they are not persuasive.

Regarding claims **1, 8, 15, and 22**, the applicant argues that Harrison does not teach or suggest a shell that executes scripts that control demodulation of broadcast programming. The examiner respectfully disagrees. As stated in the Advisory Action mailed 10/30/2006, Harrison discloses a multimedia computer comprising a processor 102 for processing data and instructions

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and a main memory 103 for storing data and instructions for the processor 102 (col. 3, l. 6-13 & Fig. 1). Harrison also discloses an alphanumeric input device 106 for communicating information and command selections to the processor 102 (col. 3, l. 25-27). The examiner notes that the applicant defines a script as text-based sequences of instructions or commands for controlling the operation of a video receiver (p. 8, l. 3-5). Harrison discloses allowing a user to define a sequence of text-based actions to be taken (Video ON, Audio ON, Maximize, Record, etc.) upon detecting text of interest on a given channel (Figs. 3A, 3B). Thus, the examiner maintains that Harrison discloses "scripts" as claimed.

The examiner notes that the applicant defines a shell as an interactive program employed to create and run scripts (p. 2, paragraph 13). As pointed out by the applicant, "interactive" is defined by the Merriam-Webster online dictionary as reciprocally active or involving the actions or inputs of a user as with an electronic communication system that involves a user's responses (<http://www.m-w.com/dictionary/interactive>). Harrison discloses allowing a user to define a list of text of interest and corresponding actions to be taken (col. 4, l. 43-48 & Figs. 3a, 3b). The profile unit comprises a priority storage location that stores priority data programmed by the user to prioritize each channel being monitored (col. 4, l. 58-62 & Fig. 3a). The profile unit 260 allows the user the flexibility to reprogram channel selections in the channel storage location (col. 5, l. 9-11). The profile unit 260 also includes a trigger storage location and action storage location, for storing items of interest corresponding to each pre-programmed channel and the particular action to take once the trigger item is detected. The user programs items of interest that are monitored by the analyzing unit 250 for each channel (col. 5, l. 12-16). The user can also reprogram the contents of the profile unit 260 (col. 5, l. 35-40). The interactive program

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that allows the user to program and reprogram information in the profile is shown in Figures 3a and 3b. Since the processor 102 accepts user commands and forwards them to appropriate components over bus 101 (col. 3, l. 1-33), the examiner interprets the processor 102 to be of conventional nature, that is, it is the component of a computer system that performs the basic operations (as processing data) of the system, that exchanges data with the system's memory or peripherals, and that manages the system's other components (see <http://www.m-w.com/dictionary/cpu>). The user commands entered in the profile are ultimately communicated to the analyzing units, where the triggering text is searched, and to the arbitrating unit, which resolves display contentions between the analyzing units depending on the profile data. Therefore, the examiner maintains that Harrison discloses a shell.

Regarding claim 26, the applicant argues that Harrison is silent with respect to scheduling a stored script for execution. The examiner respectfully disagrees. Harrison discloses a script that executes when the triggering text is found in a monitored channel (col. 5, l. 35-40 & Fig. 3A). Therefore, the examiner interprets the triggering text to be a script manager that schedules the script for execution, as claimed.

Regarding claim 31, the applicant argues that the references fail to show certain features of applicant's invention; however, it is noted that the features upon which applicant relies (i.e., having a user manually initiate execution of the scripts and transitioning a shell into an idle state until the manually initiate execution of a script) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Claim Objections***

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: With regard to claim 22, the term datastream lacks antecedent basis in the disclosure. The examiner interprets a datastream as being a data structure stored within the video receiver, the data structure comprising at least a field for selected broadcast programming and a field for a script. References to claim 22 in the Office Action below are made in view of the above-stated interpretation.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **1-4, 8-11, 15-18, 22, 23, 26, 31** are rejected under 35 U.S.C. 102(b) as being anticipated by Harrison.

Referring to claims **1, 8, and 15**, Harrison discloses a system/method for extending unattended control capabilities for a video receiver, comprising:

- a shell for executing scripts controlling demodulation of broadcast programming (the examiner notes that a processor processes data and instructions stored in a main memory. These data and instructions provide communication between a user and an

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operating system, thus performing the operation of a shell)(col. 3, l. 6-13, 21-31)(Fig. 1); and

- a memory containing at least one script including a sequence of commands for demodulating selected broadcast programming (the examiner notes that the personal profile stores trigger data and an action to be performed in response to a recognized trigger. Since a set of actions are performed in recognition of a trigger, the profile performs the operation of a script), wherein the at least one script is executable by the shell to select broadcast programming for demodulation and display or recording from among one or more concurrently airing programs each matching at least one of a plurality of user-specified descriptive criteria, wherein said at least one script employs associated previously-defined user priorities or conditions to select between conflicting matches or routing options (col. 3, l. 53-67, col. 4, l. 1-11, 43-67, & col. 5, l. 11-40)(Figs. 3A-3B).

Referring to claims 2, 9, and 16, Harrison discloses the system/method as set forth in claims 1, 8, and 15, respectively, wherein the at least one script identifies the selected broadcast programming by at least one of:

- one or more channels on which the selected broadcast programming is to be broadcast and one or more time periods during which the selected broadcast programming is to be broadcast;
- a title of the selected broadcast programming; and
- keywords describing the selected broadcast programming (col. 4, l. 47-50).

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The USPTO considers the applicant's "at least one of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claims **3**, **10**, and **17**, Harrison discloses the system/method as set forth in claims 1, 8, and 15, respectively, wherein the at least one script, when executed by the shell, controls operation of the video receiver to cause a sequence of programs broadcast during separate contiguous time periods on different channels to be demodulated and displayed by the video receiver (the examiner notes that in time, different programs on different channels will be displayed in accordance with the triggering and priority data stored in the profile)(col. 3, l. 65-67; col. 4, l. 54-56; col. 5, l. 31-34; & col. 6, l. 6-15).

Referring to claims **4**, **11**, and **18**, Harrison discloses the system/method as set forth in claims 1, 8, and 15, respectively, wherein the at least one script, when executed by the shell, controls operation of the video receiver to cause the selected broadcast programming to be demodulated and transmitted to a recording device (col. 4, l. 54-56)(Fig. 3A).

Referring to claim **22**, see the claim objections above. Harrison discloses a datastream stored on computer readable medium for use with a video receiver (Fig. 3A), wherein the datastream includes one or more computer readable fields for a broadcast programming stream including selected broadcast programming (channel and trigger fields) and at least one script including a sequence of commands for causing the video receiver to demodulate the selected broadcast programming for display or recording (action field), wherein the at least one script is executable by a shell running within the video receiver (see citations and examiner's notes with respect to claim 1 above)(col. 4, l. 54-57 & Fig. 4a).



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Referring to claim **26**, Harrison discloses the video receiver as set forth in claim 8, wherein the scripting system further includes a script manager that schedules the script for execution (the examiner notes that the script of Harrison executes when the triggering text is found in a monitored channel. Therefore, the examiner interprets the triggering text to be a script manager that schedules the script for execution, as claimed)(col. 5, l. 35-40 & Fig. 3A).

Referring to claim **31**, Harrison discloses the datastream as set forth in claim 22, wherein the shell enters an idle state when a script end time is reached and remains in the idle state until another script is selected for execution (the examiner notes that when trigger text is detected, the current channel is automatically pre-empted if the priority of the new trigger is greater. After the pre-empting has completed and the user has received the information on the preempting channel, the user can switch back to the pre-empted channel or choose to continue to display the preempting channel. The examiner interprets this as the script having completed, since the user now has control again. If a trigger with a greater priority is encountered again, the channel will again be pre-empted)(col. 5, l. 12-34 & Fig. 4A).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **5, 12, 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Liebenow.

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Referring to claims **5**, **12**, and **19**, Harrison discloses the system/method as set forth in claims 4, 11, and 18, respectively. Harrison does not disclose a method of, prior to causing the selected broadcast programming to be demodulated and transmitted to a recording device, checking for previous demodulation and transmission of the selected broadcast programming to the recording device, wherein execution of the at least one script is terminated if the selected broadcast programming was previously demodulated and transmitted to the recording device. Liebenow discloses a method of determining whether or not a program has been previously recorded, and if it has, inhibiting the recording of the program (col. 5, l. 1-4, 25-38, 58-67 & col. 6, l. 1-3). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Harrison to determine whether or not a program has been previously recorded, and inhibit the recording of a program if it has, such as that taught by Liebenow in order to allow a user to employ a record function without having to worry about inadvertently recording duplicate programs (col. 1, l. 29-31).

5. Claims **6**, **7**, **13**, **14**, **20**, **21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Zigmond et al.

Referring to claims **6**, **7**, **13**, **14**, **20**, and **21**, Harrison discloses the system as set forth in claims 1, 8 and 15. Harrison does not disclose receiving a script together with a broadcast programming stream including selected broadcast programming or receiving a script from an external source separate from a broadcast programming stream including selected broadcast programming. Zigmond et al. discloses receiving a logical address link either in a broadcast video signal (col. 6, l. 56-61; col. 8, l. 66-67; col. 9, l. 19-32; & col. 10, l. 16-22) or from a

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different data supplier (col. 9, l. 62-67 & col. 10, l. 1-3, 13-15). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Harrison to receive instruction data either in broadcast programming or from a different data supplier, such as that taught by Zigmond et al. in order to provide an intelligent mechanism for communicating instruction data (col. 2, l. 28-29).

6. Claim **23** is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Inaba.

Referring to claim **23**, Harrison discloses the system as set forth in claim 1. Harrison further discloses a sequence of text-based instructions (script) that are executed (by a shell) in response to a trigger (Fig. 3A). Harrison does not disclose that the shell executes the script that is stored in the memory when a user manually initiates execution of the script by selecting a script execute option. Inaba discloses storing a script in the memory of a TV receiving set. A script decoder displays on the TV screen a symbol mark (e.g., the letter "i") in order to notify the viewer about a supplementary program. The script decoder starts executing the script to display supplementary data for the program when the viewer keys in a command (col. 3, l. 66-67 & col. 4, l. 1-8). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the automatic script execution of Harrison to include executing the script upon user command, such as that taught by Inaba in order to provide greater user control over a television receiving device.

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7. Claims **24, 25, 28, 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Williams et al.

Referring to claim **24**, Harrison discloses the system as set forth in claim 1. Harrison does not disclose that the shell automatically periodically executes the script to check future programming. Williams et al. discloses an entertainment system 100 that stores user profile information for each of the users of system 100 (col. 2, l. 65-67 & col. 3, l. 1-2). The user profile also includes storage for user-defined requests for specific titles of shows/movies or keywords. Given a particular search request, the system controller 104 searches future programming information each time it receives updated programming information and prompts the user with the found program information (col. 11, l. 31-44 & col. 12, l. 6-10). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the scripts in the user profile of Harrison to include periodically searching future programming information for user-defined keywords, such as that taught by Williams et al. in order to prevent a user from missing programming that matches their interests.

Referring to claim **25**, Harrison discloses the system as set forth in claim 1. Harrison does not disclose that the executing script selects broadcast programming based on an identity of a viewer. Williams et al. discloses determining which of a plurality of users is currently using an entertainment system. After determining which user is using the system, the system controller dynamically configures system configuration settings of the system in accordance with user preference information found in the user profile corresponding to the identified user (col. 5, l. 8-35). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the system of Harrison to include determining which user is using the

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system prior to accessing the data in the user profile, such as that taught by Williams et al. in order to better personalize a television viewing experience.

Referring to claim **28**, Harrison discloses the video receiver as set forth in claim 1. Harrison does not disclose that the script ranks alternative programs for display or recording by automatically extrapolating from a viewing history of the subscriber's recently viewed programs. Williams et al. discloses monitoring a user and configuring a user's profile based on the user's viewing history (col. 6, l. 33-56 & col. 7, l. 52-67). Williams et al. further discloses presenting the user with programming suggestions based on the user profile (col. 8, l. 12-19 & col. 11, l. 1-23). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the profile of Harrison to include presenting a user with programming suggestions based on a user's viewing history, such as that taught by Williams et al. in order to better personalize a television viewing experience.

Referring to claim **30**, Harrison discloses the method as set forth in claim 15. Harrison does not disclose that the executing script records a program designated to be displayed instead of displaying the program when the user is concurrently viewing a different program. Williams et al. discloses presenting a user with programming suggestions based on the user profile (col. 8, l. 12-19 & Col. 11, l. 1-23). Williams et al. further discloses that if the user elects to forego the suggested programming, system controller may then prompt the user with the option of recording one of the suggested programs. If the user elects to record one of the program suggestions, system controller configures system 100 to record the program selection to any one of the available recording media (col. 11, l. 45-51). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Harrison to include prompting the

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user with the option of recording suggesting programs, such as that taught by Williams et al. in order to prevent a viewer from missing a program they're interested in.

8. Claim **27** is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Holtz et al.

Referring to claim **27**, Harrison discloses the video receiver as set forth in claim 11, wherein the at least one script, when executed by the shell, controls operation of the video receiver to cause the selected broadcast programming to be demodulated and transmitted to a recording device (col. 4, l. 54-56 & Fig. 3A). Harrison does not disclose that the script includes instructions for selectively skipping commercials while recording the selected broadcast programming. Holtz et al. discloses broadcasting live television programming to a record device (p. 10, paragraph 126 & p. 14, paragraph 164). The broadcaster links video commercials to specific shows (p. 19, paragraphs 224, 225). Users who are not interested in viewing the video commercial can exercise the option of skipping the commercial feed through a profile (p. 25, paragraph 307). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the profile of Harrison to include an option for skipping commercial feeds, such as that taught by Holtz et al. in order to better accommodate users not interested in viewing commercials (p. 25, paragraph 307).

9. Claim **29** is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Lewis.

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Referring to claim **29**, Harrison discloses the method as set forth in claim 15. Harrison does not disclose using the executing script for controlling tradeoffs between recording time, picture quality, and available storage space. Lewis discloses providing users the options for digital compression and encoding based on desired picture/sound quality versus storage capacity (the examiner notes that available recording time is directly related to picture/sound quality and storage capacity)(p. 15, paragraph 156). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the profile of Harrison to include user options for digital compression and encoding based on desired picture/sound quality versus storage capacity, such as that taught by Lewis in order to provide greater user control over a television recording device.

### *Conclusion*


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571-272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MVH

  
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